

LEAD RENOVATION, REPAIR, AND PAINTING RULE
WORKSITE INSPECTION REPORT

- I. FACILITY:** Home of Patrick Masterson (WORK SITE)
1377 Potomac Avenue, SE
Washington, DC 20003
(202) 997-9114
- Yarmouth Management (Landlord)
309 7th Street SE
Washington, DC 20003
(202) 547-3511
- II. DATE OF INSPECTION:** June 26, 2013 *Ar 8/22/13*
- III. EPA INSPECTORS:** Anthony M. Rombola, SSA-I, SEE Inspector
Paul Mandelaro, NAHE, SEE Inspector
- IV. EPA REGION III, LAND AND CHEMICALS DIVISION (LCD)/TOXICS PROGRAMS BRANCH (TPB)**
- John A. Armstead, LCD Director
 - Harry Daw, LCD Associate Director for Office of Toxics and Pesticides
 - Aquanetta L. Dickens, Chief, Toxics Programs Branch
- V. PURPOSE OF INSPECTION:**

The EPA conducted a worksite inspection on June 26, 2013 of 1377 Potomac Ave, SE, Washington, DC 20003, in response to a tip/complaint received from Patrick Masterson alleging Yarmouth Management's failure to follow lead safe work practices while performing lead abatement of 1377 Potomac Ave, SE in Washington, DC. The work site inspection was performed in advance of a Renovation, Repair & Painting Rule (RRP) office records inspections of Yarmouth Management in order to determine Yarmouth Management's level of compliance with the Renovation, Repair, and Painting Rule (RRP).

VI. BACKGROUND INFORMATION:

The tip/complaint was received on June 12, 2013 from an e-mail alleging Yarmouth Management's noncompliance with the Renovation, Repair and Painting Rule (RRP). Patrick Masterson, his pregnant wife, Ann Caton, and their 2 ½ year old daughter are tenants who observed Yarmouth Management following unsafe work practices while performing lead remediation work at 1377 Potomac Avenue SE, Washington, DC. On June 12, 2013, EPA sent out a declaration form requesting Patrick Masterson to provide written testimony regarding the violations observed and to submit pictures and other information to support his allegations. In response to EPA's written request, on June 17, 2013, Patrick Masterson submitted a completed declaration form electronically.

The renovations/remediation work occurred at 1377 Potomac Avenue, SE, Washington, DC 20003. The latitude/longitude coordinates for this property address are 38.879693 x -76.986090 according to <http://touchmap.com/lat/long.html>. According to RealQuest, this property was built in 1919. According to Matthew T. Lee, Environmental Protection Specialist, office of Enforcement, Compliance and Environmental Justice of EPA, this property is in an area of potential environmental justice concern. According to Amber Sturdivant, Branch Chief, Lead and Healthy Housing Division, Compliance and Enforcement branch, District Department of the Environment, there have been no known reports of elevated blood lead levels for this property address.

According to Patrick Masterson, 1377 Potomac Avenue, SE, Washington, DDC 20003 is a three (3) bedroom row home on a residential street in the SE quadrant of Washington, DC. The Owners of the property are Elizabeth Lee Martinex and Donald Pohlman and the Property Manager of the address is Yarmouth Management located in Washington, DC.

Patrick Masterson stated that his wife and daughter had lead tests and that his wife had a level of 3 and his daughter's lead level was < 3. Patrick Masterson stated that Yarmouth Management did massive (+/- 150 square feet) chipping project in the basement of 1377 Potomac Avenue, SE, Washington, DC 20003 without lead safe work practices.

VII. WORKSITE ARRIVAL

On June 26, 2013 at 1:15 PM, Inspectors Rombola & Mandelaro arrived at the 1377 Potomac Avenue, SE, Washington, DC 20003 worksite, the home of Patrick Masterson and his family to conduct an active worksite inspection to determine Yarmouth Management's level of compliance with the Renovation, Repair, and Painting Rule (RRP). Upon arrival, the inspectors met a roommate, Erica, introduced themselves, presented their credentials and asked for Patrick Masterson. In a few minutes Patrick Masterson arrived and the inspectors introduced themselves, presented their credentials and explained the purpose of their visit. The inspectors asked Patrick Masterson if he was in fact the person authorized to consent to a worksite inspection and Patrick Masterson stated he was in fact the person authorized to consent to the inspection and sign an EPA Consent form. Once this was established, Inspector Rombola presented and explained the "Notice of Inspection and Consent for Access to Worksite by Homeowner" form to Patrick Masterson and both the inspector and Patrick Masterson signed the form. There were no questions about the form.

The inspectors also indicated that, as part of the inspection, they may request to see contracts and/or statements of work for renovations performed by or on behalf of Yarmouth Management as relating to the current renovation.

Patrick Masterson stated that he has lived in the 1377 Potomac Ave SE home for ten (10) years and that he and his wife, Ann Caton had tried to get an accurate Lead Report form Yarmouth Management to no avail. In the first lease renewal submitted to Patrick Masterson from Yarmouth Management the lead disclosure section was "mostly blank" according to Patrick Masterson. Patrick Masterson said that he did not sign the "received lead disclosure". Yarmouth Management then gave a copy of the Lead Report. Mr. Masterson and his wife then called Yarmouth Management to say there was chipping, peeling and flaking paint in the basement. According to Patrick Masterson the painters did not prep and just painted over the surfaces. Patrick Masterson said that he and his wife have a two and a half (2 1/2) year old daughter and his wife, Ann Caton, is 8 1/2 months pregnant. According to Patrick Masterson Yarmouth Management said they sent out painters and then a cleaner and then their lead inspector. Patrick Masterson called the District Department of the Environment (DDOE) who advised him to call EPA and HUD. Yarmouth came out the morning of June 26, 2013 and a painter and cleaning service was to follow.

Inspector Rombola asked Patrick Masterson who Marc Borelly was who was cropping up in numerous emails. Patrick Masterson stated that Marc Borelly is the family attorney and also the Director of DC Tenant Rights.

VIII. INSPECTOR'S OBSERVATIONS

At this point Patrick Masterson escorted the inspectors on a tour of the basement. The suspended worksite showed where work was prepped and started but ceased in place. Inspector Rombola took pictures of the basement. There was dust and paint chips all over and it appeared that very minimal containment was performed. At the day and time of inspection just a pile of clothing and household supplies was covered by plastic, yet the ironing board and clothing on the ironing board were uncovered less than a foot away. All throughout the basement were dust covered, floors, walls, clothing, bicycles, toys, trays and supplies. The painting was started as shown in the photographs but stopped.

IX. REVIEW OF FILES/AVAILABLE DOCUMENTS:

No documents were taken or scanned from 1377 Potomac Avenue, SE, Washington, DC 20003 on the day of the inspection as Patrick Masterson had provided documentation earlier by electronic means.

X. CLOSING CONFERENCE

After the tour the inspectors thanked Patrick Masterson for his time and left the premises of 1377 Potomac Avenue, SE, Washington, DC 20003 at 1:45 PM.

X. CASE FILE ATTACHMENTS:

1. Notice of Inspection and Consent for Access to Worksite by Homeowner form – in TSCA Inspection Forms Section
2. Tip/Complaint Notes – in Tip/Complaint Section
3. ICIS Entry Form – in ICIS Section
4. Real Quest Property Profile – in Property Ownership Section
5. No History on Property Addresses – in Background Section
6. Pictures – in Inspection Report Section
7. Inspection Checklist – in Inspection Checklist Section
8. Lead Testing Data (e.g. Lead Based Paint Inspection Report) – in Declaration and Background Sections
9. Correspondence – In Background Section

LEAD RENOVATION, REPAIR, AND PAINTING RULE INSPECTION REPORT

- I. FACILITY:** Yarmouth Management
309 7th St, SE
Washington, DC 20003
Phone: (202) 547-3511
Web: www.yarmouthm.com
- II. DATE OF INSPECTION:** June 28, 2013 *8/22/13*
- III. EPA INSPECTOR:** Anthony M. Rombola, SSA-I, SEE Inspector
- IV. EPA REGION III, LAND AND CHEMICALS DIVISION (LCD)/TOXICS PROGRAMS BRANCH (TPB)**
- John A. Armstead, LCD Director
 - Harry Daw, LCD Associate Director for Office of Toxics and Pesticides
 - Aquanetta L. Dickens, Chief, Toxics Programs Branch
- V. PURPOSE OF INSPECTION:**

The EPA conducted an inspection on June 28, 2013 of Yarmouth Management, in response to a tip/complaint received from Patrick Masterson alleging Yarmouth Management's failure to follow lead-safe work practices while performing a renovation at 1377 Potomac Ave, SE, Washington, DC 20003. The tip/complaint was received on June 12, 2013 from the District of Columbia Department of the Environment (DDOE) via Kyle Chelius, TSCA Compliance Officer, Region 3, EPA. The inspection was performed in order to determine Yarmouth Management's level of compliance with the Renovation, Repair, and Painting Rule (RRP).

VI. BACKGROUND INFORMATION:

On June 18, 2013, EPA contacted Yarmouth Management to set up an inspection to determine Yarmouth Management's level of compliance with the Renovation, Repair, and Painting Rule. An inspection was set up for June 28, 2013 and an inspection confirmation letter was sent out to Yarmouth Management on June 18, 2013. During the call, EPA requested that Yarmouth Management make available for the inspectors a list of contracts for renovations they performed at 1377 Potomac Avenue, SE, Washington, DC 20003.

Yarmouth Management leases and manages approximately 700 (seven hundred) properties on an annual basis. According to Dun & Bradstreet (D&B), Yarmouth Management employs 12 (twelve) individuals and has been in business since 1981. There are no Doing Business As (DBA) or any other fictitious names according to Wilmer Waller.

On June 18, 2013 Inspector Rombola checked the Federal Lead-Based Paint Program (FLPP) database to determine if Yarmouth Management is a certified RRP firm. Records show that

Yarmouth Management is not listed in FLPP as a certified firm.

According to Yarmouth Management's website, Yarmouth Management is "Your rental source on Capitol Hill since 1981". Yarmouth Management's focus is almost exclusively on the Capitol Hill area of Washington, DC.

The tip/complaint was received from Patrick Masterson on June 12, 2013 alleging Yarmouth Management's noncompliance with the Renovation, Repair, and Painting Rule (RRP). Patrick Masterson, along with his pregnant wife and 2 ½ year old daughter, is a tenant who observed workers employed by and/or hired by Yarmouth Management following unsafe work practices while performing work at 1377 Potomac Avenue, SE, Washington, DC 20003. On June 12, 2013 EPA sent out a declaration form to Patrick Masterson, via e-mail, requesting Patrick Masterson to provide written testimony regarding the violations observed and to submit pictures and other information to support their allegations. In response to EPA's written request, on June 17, 2013, Patrick Masterson, submitted a completed declaration form electronically along with a DDOE Cease & Desist Order, DDOE Notice of Violation and Lead Based Paint Inspection report.

The violation is alleged to have occurred at 1377 Potomac Avenue, SE, Washington, DC 20003. The latitude/longitude coordinates for this property address are 38.879693 x -76.986090 according to <http://itouchmap.com/latlong.html>. According to RealQuest, this property was built in 1919. According to Matthew T. Lee, Environmental Protection Specialist, Office of Enforcement, Compliance and Environmental Justice of EPA, this property is in an area of potential environmental concern. According to Amber Sturdivant, Branch Chief, Lead and Healthy Housing Division, Compliance and Enforcement Branch, District Department of the Environment, there have been no known reports of elevated blood lead levels for this property address.

Patrick Masterson stated that his wife and daughter had lead tests and that his wife had a level of 3 and his daughter's lead level was < 3. Patrick Masterson stated that Yarmouth Management did massive (+/- 150 square feet) painting project in the basement of 1377 Potomac Avenue, SE, Washington, DC 20003 without lead safe work practices.

VII. OPENING CONFERENCE

On June 28, 2013 at approximately 10:05 AM, an EPA inspector arrived at the offices of Yarmouth Management to conduct an inspection to determine Yarmouth Management's level of compliance with the Renovation, Repair, and Painting Rule (RRP). Upon arrival, the inspector introduced himself, presented his credentials to Wilmer Waller and explained the purpose of his visit. The inspector asked Wilmer Waller, Owner if he was the person authorized to give consent

to the inspection. Wilmer Waller stated that he was in fact the appropriate person to consent to the inspection and sign on behalf of the company. Once this was established, Inspector Rombola presented and explained the Notice of Inspection Form to Wilmer Waller and both the inspector and Wilmer Waller signed the form. Next, Inspector Rombola presented and explained the Confidential Business Information Form to Wilmer Waller and both the inspector and Wilmer Waller signed the form. There were no questions regarding either form.

After these forms were presented and signed, Inspector Rombola proceeded to explain that the purpose of the inspection was to determine Yarmouth Management's level of compliance with the Renovation, Repair, and Painting Rule (RRP) regarding the project at 1377 Potomac Avenue, SE, Washington, DC 20003. The inspector also indicated that, as part of the inspection, he would be requesting to see contracts and/or statements of work for renovations performed at 1377 Potomac Avenue, SE, Washington, DC 20003. The inspector stated that he would be selecting and scanning relevant contracts and/or work orders looking to identify where Yarmouth Management documented compliance with the various provisions of the Renovation, Repair, and Painting Rule (RRP) (e.g. work practice standards, pre-Renovation Education, renovator and firm certifications, etc.). At this point Wilmer Waller brought Tim Burr, Property Manager and Dian Wrinkle, Maintenance Supervisor into the office. Inspector Rombola asked for the amount of employees of Yarmouth Management and Tim Burr said 15 which corresponds to the 15 people in the photograph on the www.yarmouthm.com website. Inspector Rombola asked how many properties were managed and/or owned and Wilmer "Buck" Waller said that Yarmouth Management does not own any properties but manages 700 (seven hundred) very small properties. Inspector Rombola asked for an estimate of the yearly gross of Yarmouth Management and Wilmer Weller said \$12,000, 000.00 (twelve million dollars). According to Wilmer Waller, Yarmouth Management uses certified sub-contractors for work. Wilmer Waller stated that Dian Winkle is the Maintenance Supervisor and Idelle Morse and Eddie Roland are Maintenance Managers for Yarmouth Management and the three (3) are authorized to sign renovation contracts. Inspector Rombola asked Wilmer Waller if Yarmouth Management is certified. Wilmer Waller stated no, since Yarmouth Management does not directly employ maintenance workers. Inspector Rombola asked Wilmer Waller to explain the scope of work for 1377 Potomac Avenue, SE, Washington, DC 20003. Wilmer Waller stated that the issues began prior to the renewal of his lease back in October, 2012. Yarmouth Management presented two (2) leases, one an 8 page lease dated March 16, 2013 and a 10 page lease dated March 21, 2013 with the latter including an enhanced lead disclosure which includes the required Federal language in addition to District of Columbia. According to the gathered, the District Department of the Environment (DDOE) issued a Cease and Desist order and issued a Notice of Violation and Order to Eliminate Lead-Based Paint Hazard(s) which included a lead inspection on May 31, 2013. Patrick Masterson has since banned any worker sent by Yarmouth Management. Inspector Rombola asked if subcontractors were used and Dian Wrinkle submitted eight (8) certificates. Patrick Masterson raised issues about lead in October 2012 and Yarmouth

Management had Financial Network Center, LLC perform a Lead Based Paint Inspection for 1377 Potomac Avenue, SE, Washington, DC 20003 on October 25, 2012. Yarmouth Management sent a crew to paint the basement. Apparently the crew did not perform adequate prep work and apparently raised a significant amount of dust. As of the date of the Office Records Inspection Yarmouth Management and Patrick Masterson were negotiating the terms of the lead removal and clearance. Copies of e-mail correspondence to and from Yarmouth Management and Patrick Masterson were e-mailed to Inspector Rombola by Dian Wrinkle and are in the Background Section.

VIII. REVIEW OF FILES/AVAILABLE DOCUMENTS:

Inspector Rombola scanned for review the following documents:

1. One (1) Firm Renovation Certificate for Subcontractor
2. Seven (7) Renovator Certificates for Subcontractors
3. Three (3) page "Yarmouth Management Phone List"
4. One (1) Lead Based Paint Inspection for 1377 Potomac Avenue, SE, Washington, DC 20003.
5. One (1) 10 (ten) page lease for 1377 Potomac Avenue, SE, Washington, DC 20003
6. One (1) eight (8) page lease for 1377 Potomac Avenue, SE, Washington, DC 20003.

IX. CLOSING CONFERENCE

After all transaction documents were copied and recorded on the Receipt for Documents Form, Inspector Rombola provided a copy of the Receipt for Documents Form to Wilmer Waller which Wilmer "Buck" Waller signed. The inspector provided Wilmer Waller with a compliance assistance package and explained its contents. Inspector Rombola asked each company representative if they had any additional questions. Wilmer Waller asked when will they hear about the EPA's pronouncement. Inspector Rombola told him the Inspection Report writing process and said it could take a year to hear anything.

Inspector Rombola thanked Wilmer Waller and the others for their time and left the premises of Yarmouth Management at 11:30 AM

X. ADDENDUM

On August 22, 2013 Inspector Rombola called Amber Sturdivant, Branch Chief, Lead and Healthy Housing Division, Compliance & Enforcement Branch, District Department of the Environment, to follow-up and determine the status of the complaint. Amber Sturdivant said

that DDOE did the clearance because DDOE "has issues" with the selected contractor. The property is fine now and the tenant and all concerned are happy or relatively happy. The property owners and Yarmouth Management accepted the order of DDOE to perform clearance every six (6) months for the next three (3) years.

Inspection Photograph Log Sheet:

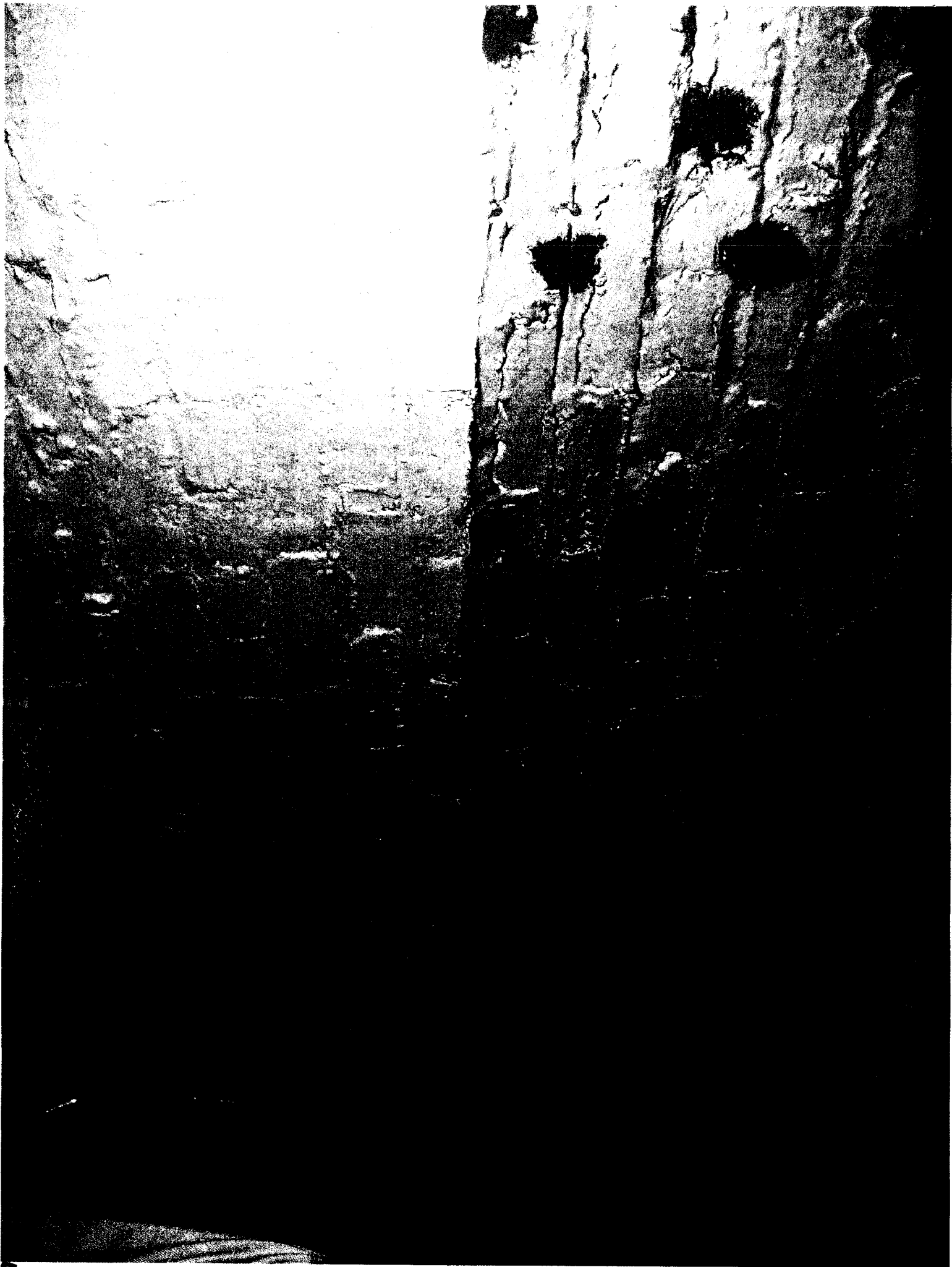
| | |
|------------------------|--|
| Date: | 06/26/2013 |
| Inspectors: | Anthony M. Rombola and Paul Mandelaro |
| Contractor: | (Landlord) Yarmouth Management |
| Address of Renovation: | 1377 Potomac Ave, SE Washington, DC 20003 |
| Photographer: | Anthony M. Rombola |

| Photograph Number | Specific Location | Description of Photograph |
|-------------------|-------------------|---|
| 1 | Exterior | Front of House |
| 2 | Front Yard | Worker applying insecticide |
| 3 | Basement | Paint chips and dust on floor |
| 4 | Basement | Work (painting) started |
| 5 | Basement | Continuation of work in # 4 |
| 6 | Basement | Uncovered clothing |
| 7 | Basement | Dust on serving tray |
| 8 | Basement | Uncovered clothing and equipment |
| 9 | Basement | Covered clothing, ironing board and furnace uncovered |
| 10 | Basement | Uncovered basement window |
| 11 | Basement | Chipping, peeling, flaking painted wood closet door |
| 12 | Basement | Dust on shelving and items |
| 13 | Basement | Uncovered clothing and bicycle |
| 14 | Basement | Uncovered children's equipment |
| | | |

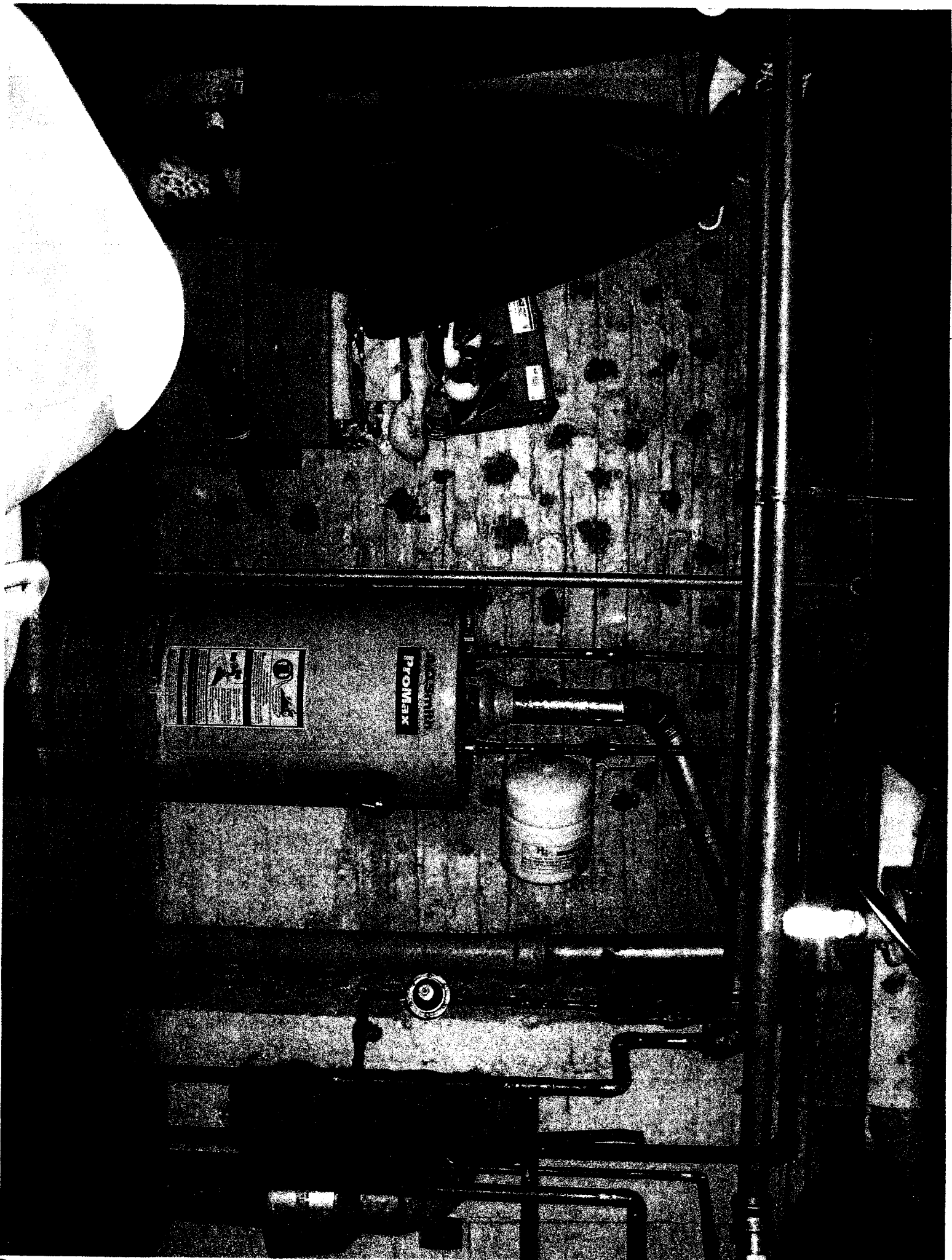


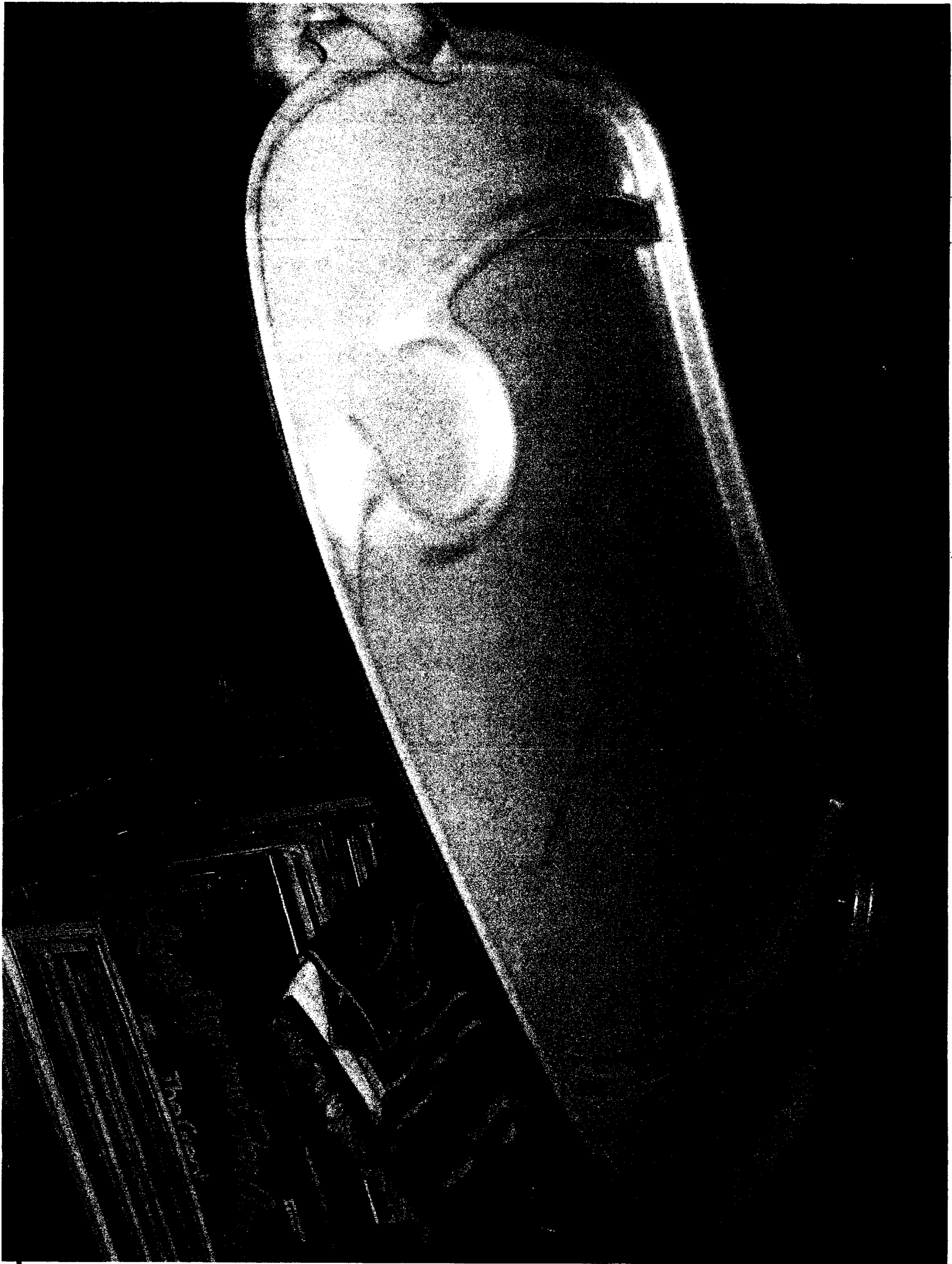


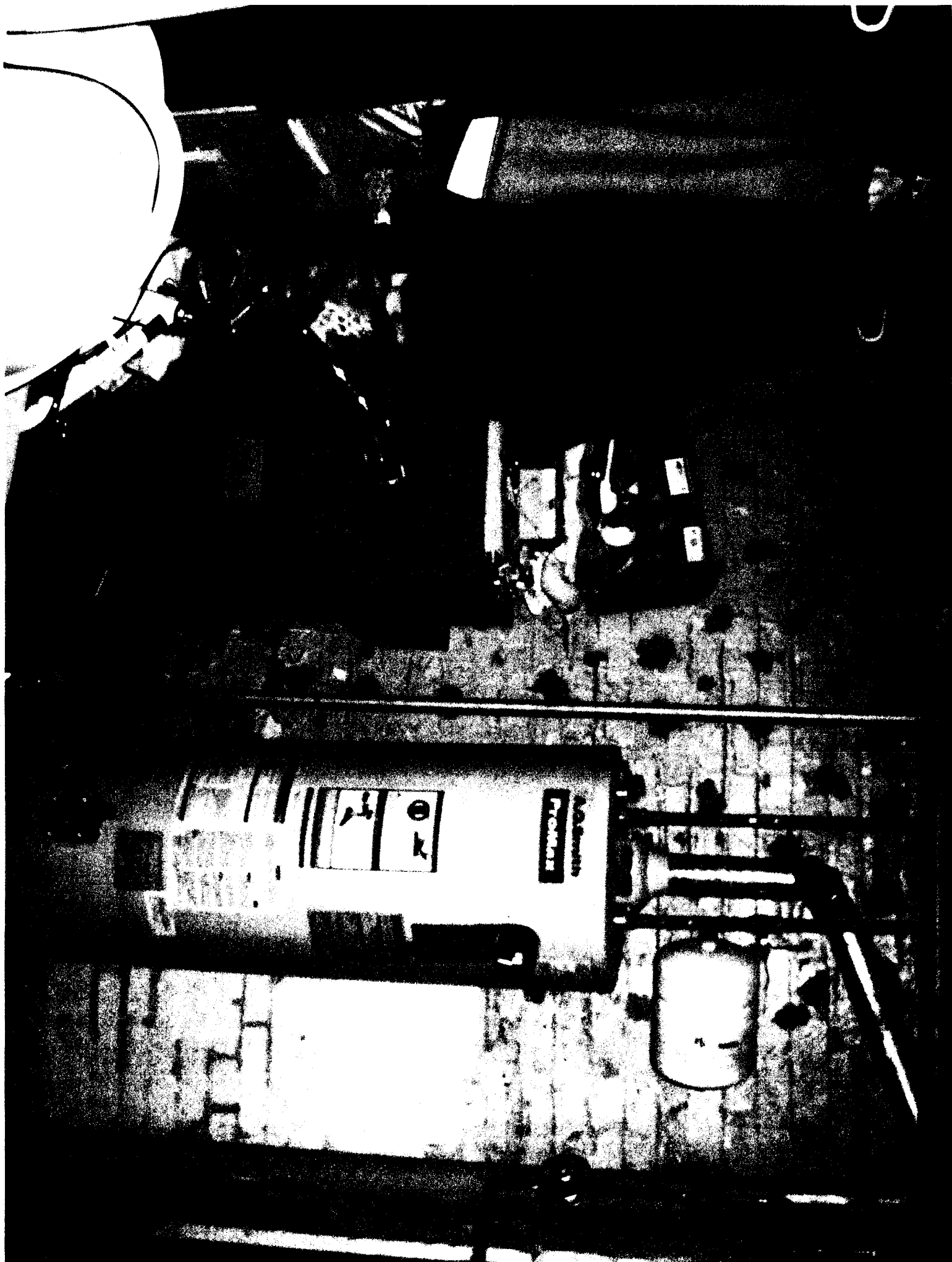


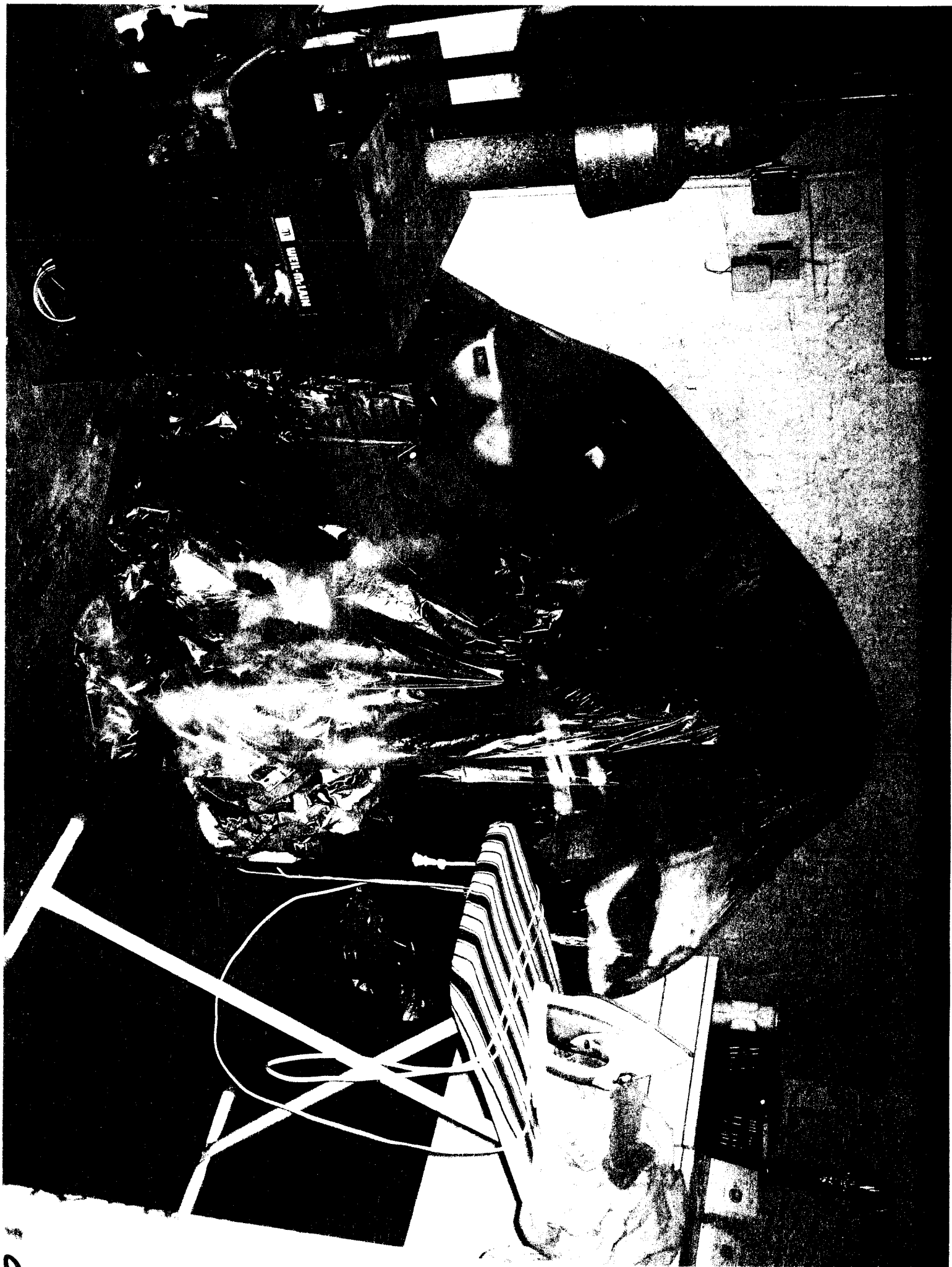




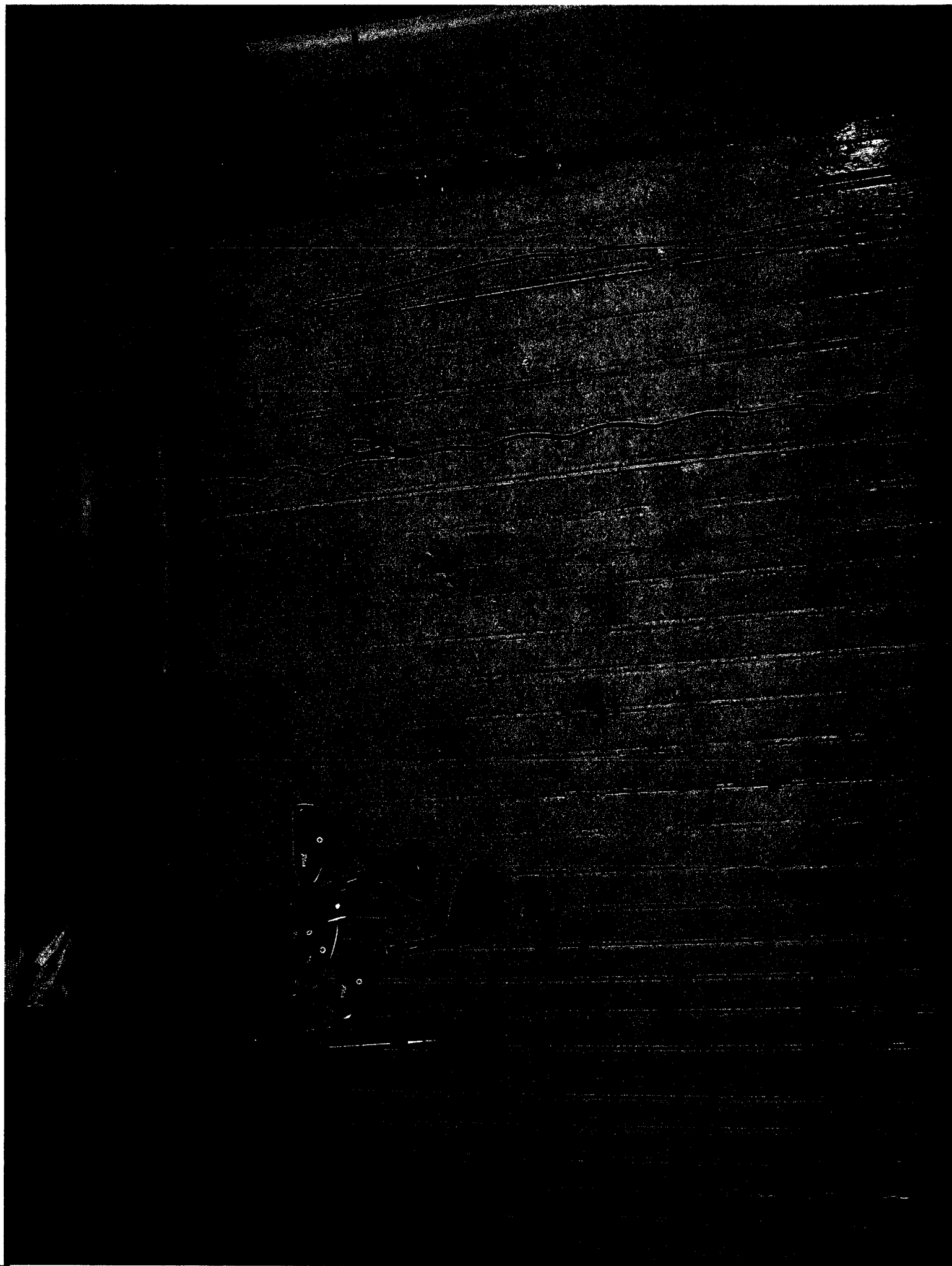


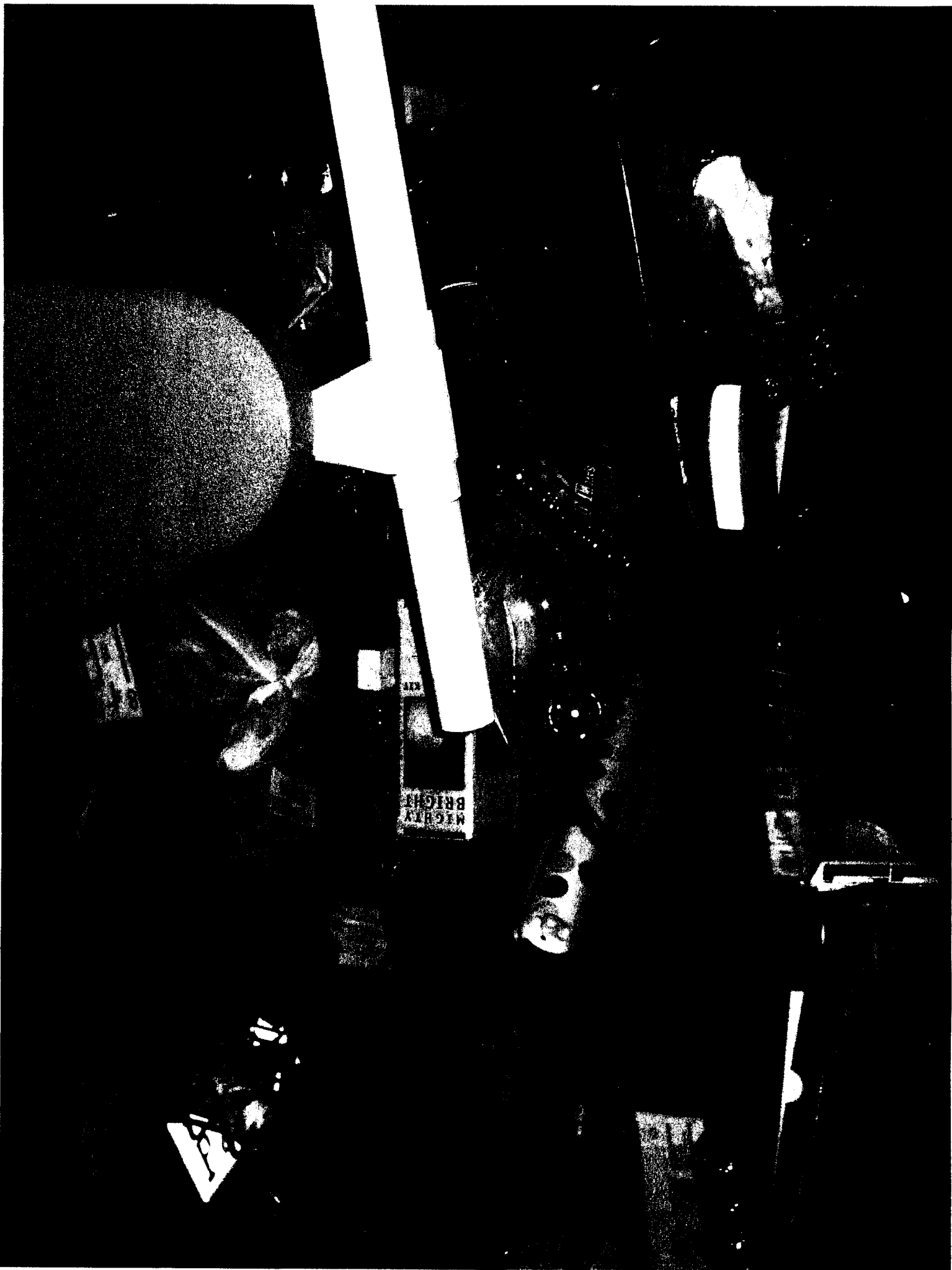


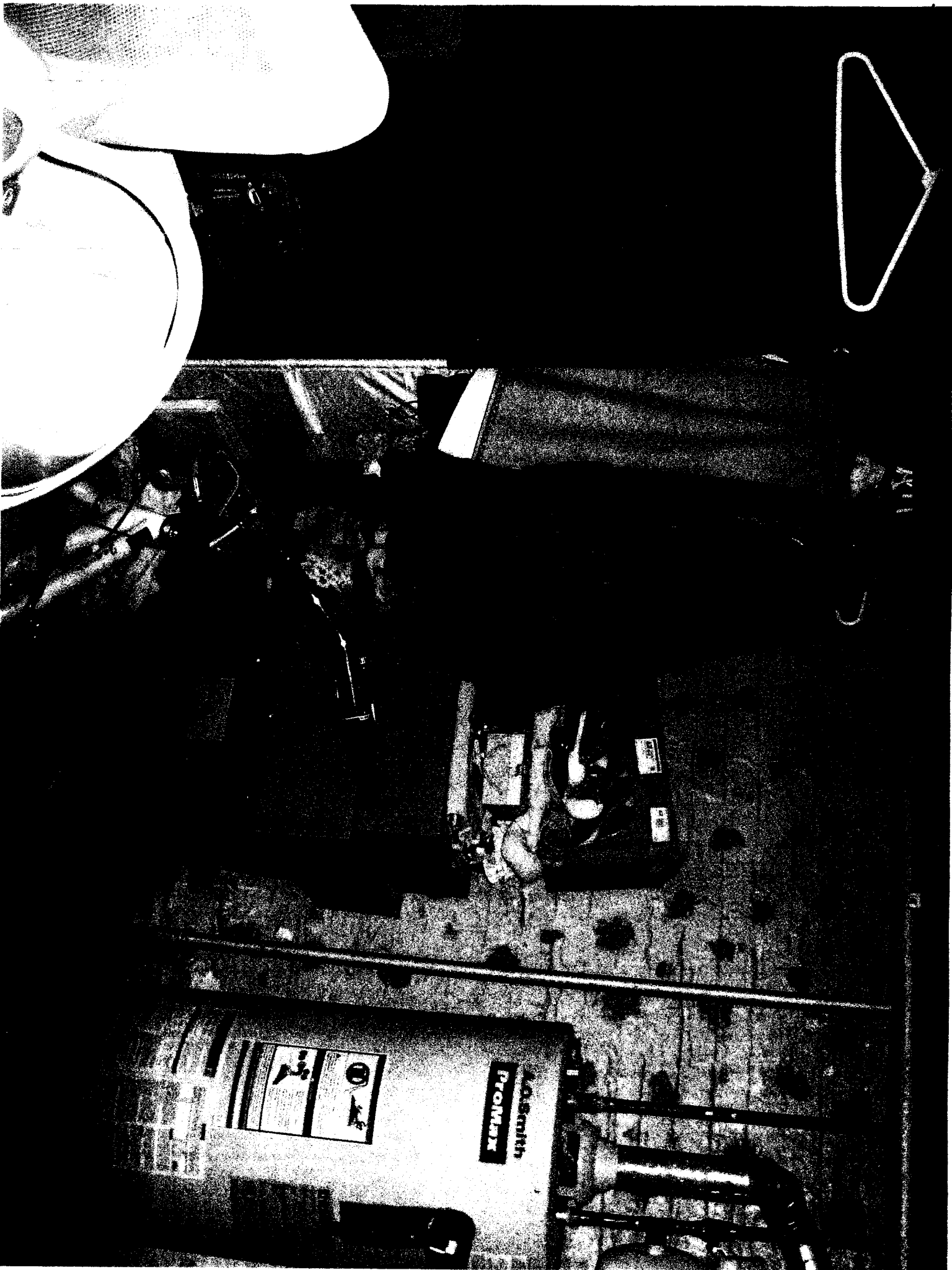












K11

LoSmith
ProMax

